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8 Attorneys for:
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 **JANE DOE,**

12 **Plaintiff,**

13 **v.**

14 **CITY OF SAN MATEO,**

15 **Defendant.**

Case No. 3:07-CV-5596

**JAMES MASON'S NOTICE OF
WITHDRAWAL OF MOTION FOR
INTERVENTION AND MOTION TO
UNSEAL THE COMPLAINT, OR,
ALTERNATIVELY, MOTION TO
MODIFY THE PROTECTIVE ORDER**

17 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

18 Please take notice that pursuant to Local Rule 7-7(e), James Mason, through his counsel,
19 Harry S. Stern of RAINS, LUCIA & WILKINSON LLP, hereby notices this court of his
20 withdrawal of his previously filed Motion to Intervene and Motion to Unseal the Complaint, or,
21 Alternatively, Motion to Modify the Protective Order in the above entitled matter.

22 On December 4, 2007, James Mason timely filed a Motion to Intervene in the instant case
23 for the limited purpose of unsealing the complaint, or alternatively, to modify the protective
24 order. As noted in Mason's motions, intervention is the procedurally appropriate course for a
25 third party to challenge the appropriateness of protective orders. *See, Beckman Indus., Inc. v.*
26 *Int'l Ins. Co.*, 966 F.2d 470, 472-73 (9th Cir. 1992) citing *Public Citizen v. Liggett Group, Inc.*,
27 858 F.2d 775, 783-84 (1st Cir. 1988). At the time of filing these motions, Mason was the
28 defendant in a related civil suit in California state court brought by the same Plaintiff. As the


1 Plaintiff's claim here was filed under seal, Mason was unable to access the record before this
2 court, possibly subjecting the Defendants in both cases to conflicting pleadings and legal
3 arguments, as well as the unnecessary expense of time and resources. However, since that time,
4 Plaintiff has withdrawn her civil complaint against Mason, thereby alleviating any such concerns.
5 As such, Mason withdraws his Motion to Intervene and Motion to Unseal the Complaint, or
6 Alternatively, Motion to Modify the Protective Order.

7 THEREFORE, James Mason respectfully requests that the court recognize and accept his
8 notice of withdrawal.

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10 Dated: January 31, 2008

Respectfully Submitted,

11 **RAINS, LUCIA & WILKINSON LLP**

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14 By: Harry S. Stern
Attorneys for JAMES MASON

PROOF OF SERVICE

Case Name: *Jane Doe vs. City of San Mateo*
United States District Court Northern District of California
Case No.: 3:07-CV-5596

I, Sarah Swearingin, am a citizen of the United States, and am over 18 years of age. I am employed in Contra Costa County and am not a party to the above-entitled action. My business address is Rains, Lucia & Wilkinson LLP, 2300 Contra Costa Blvd., Suite 230, Pleasant Hill, California 94523. On the date set forth below I served a true and correct copy(ies) of the following document(s):

**JAMES MASON'S NOTICE OF WITHDRAWAL OF MOTION FOR INTERVENTION
AND MOTION TO UNSEAL COMPLAINT OR ALTERNATIVELY, MOTION TO
MODIFY PROTECTIVE ORDER**

upon all parties addressed as follows:

Jane Doe
2269 Chestnut Street, #102
San Francisco, CA 94123

said service was effected as indicated below:

- ☐ HAND DELIVERY- I placed true and correct copies of the above-referenced document(s) in a sealed envelope, addressed to the above-named parties, and personally delivered them.
- ☐ FACSIMILE TRANSMISSION- I caused true and correct copies of the above-referenced document(s) to be delivered by electronic facsimile transmission.
- ☒ MAIL – I placed true and correct copies of the above-referenced document(s) in a sealed envelope, properly addressed to the above-named parties, with postage prepaid in a receptacle regularly maintained by the United States Post Office.

1 ☐ VIA ELECTRONIC MAIL: I attached a true and correct copy thereof in
2 PDF format to an electronic mail message transmitted to the electronic mail
3 address indicated above.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct and was executed on January 31, 2008 at Pleasant Hill,
6 California.



Sarah Swearengin